

# Staff Report



## Zoning Case P201R3 (Creekridge)

City Council Meeting Date: 9-14-10

Document Being Considered: Ordinance

### **RECOMMENDATION**

Approve an ordinance revising the development plan on certain property known as 5814 Creekridge Drive in order to reduce the required side yard setback from five feet to one foot by approval of Zoning Case P201R3.

### **PRIOR BOARD OR COUNCIL ACTION**

On June 16, 2010, the Planning and Zoning Commission recommended approval of Zoning Case P201R3 by a vote of 8-0-0.

On August 17, 2010, the City Council recommended approval of Zoning Case P201R3 by a vote of 8-0-0.

### **REQUEST**

The applicant requests approval of a revised development plan in order to reduce the required side yard setback from five feet to approximately one foot; on a .167-acre tract of land zoned "PD (Planned Development) for single-family use at 5.7 units per acre" with final development plan approval; addressed at 5814 Creekridge Drive, generally located south of Southeast Green Oaks Boulevard and east of South Collins Street.

### **ANALYSIS**

Article XI of the Zoning Ordinance identifies intrusions allowed in the side yard setback as open terraces, decks, patios, and similar structures not over 12 inches above the average level of the adjoining ground. The applicant's request does not fit these descriptions; therefore, he is required to seek a variance. Because the subject site was developed through a "PD", this variance must be processed through the Planning and Zoning Commission as the Zoning Board of Adjustments cannot recommend alterations to an approved "PD".

The subject site was developed with the Hunt Club Subdivision in February of 2000. The site shares the property line to the south with Fish Creek Linear Park. The properties to the north and east are zoned "PD" and developed as single family residential. The property to the west is zoned "CS" (Community Service) and is currently undeveloped.

The applicant proposes to build a 280 square foot carport, approximately eight-feet in height, and the standing seam metal roof and post will be painted a wheat color to match the existing primary residence. The carport will be located adjacent to the southern property line.

### **FINANCIAL IMPACT**

None

### **ADDITIONAL INFORMATION**

Attached:

Ordinance with Exhibit A  
Revised Development Plan  
Case Information with P&Z Summary

Under separate cover:

None

Available in the City Secretary's office:

None

**STAFF CONTACTS**

Maria Sayas Carbajal  
Planning Manager  
Community Development and Planning  
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Kevin Charles  
Landscape Administrator  
Community Development and Planning  
817-459-6520  
[Kevin.Charles@arlingtontx.gov](mailto:Kevin.Charles@arlingtontx.gov)

Ordinance No. \_\_\_\_\_

**An ordinance revising the development plan on certain property known as 5814 Creekridge Drive in order to reduce the required side yard setback from five feet to one foot by approval of zoning case P201R3; amending the Zoning District Map accordingly; authorizing the building official to issue permits upon the effective date; providing for a fine of up to \$2,000.00 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date.**

WHEREAS, after notice and public hearing the Planning and Zoning Commission heard case P201R3 and recommended approval of the revised development plan on June 16, 2010; and

WHEREAS, after notice and public hearing, and upon consideration of the recommendation of the Commission and of all testimony and information submitted during the public hearing, the City Council has determined that it is in the best interest of the public and in support of the health, safety, morals and general welfare of the citizens that the zoning amendment be approved. Now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

The development plan of certain property known as 5814 Creekridge Drive, described in Exhibit A, is hereby revised by reducing the required side yard on the south property line from five feet to one foot for a carport as shown on the attached revised development plan and the Zoning District Map shall be amended to reflect the revisions made by this ordinance.

2.

The Building Official is hereby authorized and directed to issue permits in compliance with this ordinance immediately after the effective date of this ordinance.

3.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand Dollars and No Cents (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

4.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

5.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

6.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

7.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

8.

The caption and penalty of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

9.

This ordinance shall become effective upon second publication.

PRESENTED AND GIVEN FIRST READING on the \_\_\_\_ day of \_\_\_\_\_, 2010, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the \_\_\_\_ day of \_\_\_\_\_, 2010, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays at a regular meeting of the City Council of the City of Arlington, Texas.

\_\_\_\_\_  
ROBERT N. CLUCK, Mayor

ATTEST:

\_\_\_\_\_  
MARTHA GARCIA, Acting City Secretary

APPROVED AS TO FORM:  
JAY DOEGEY, City Attorney

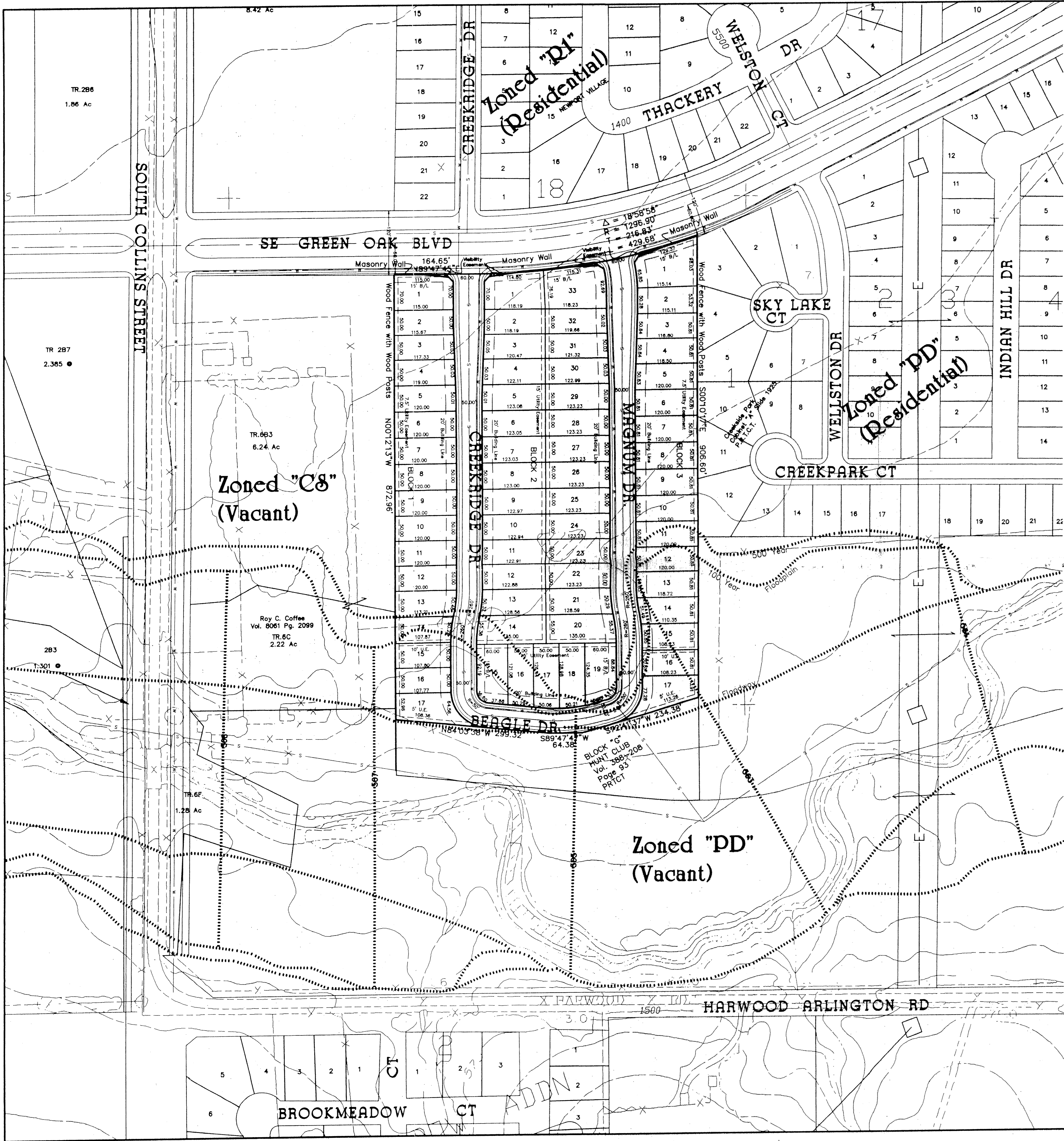
BY \_\_\_\_\_

P201R3

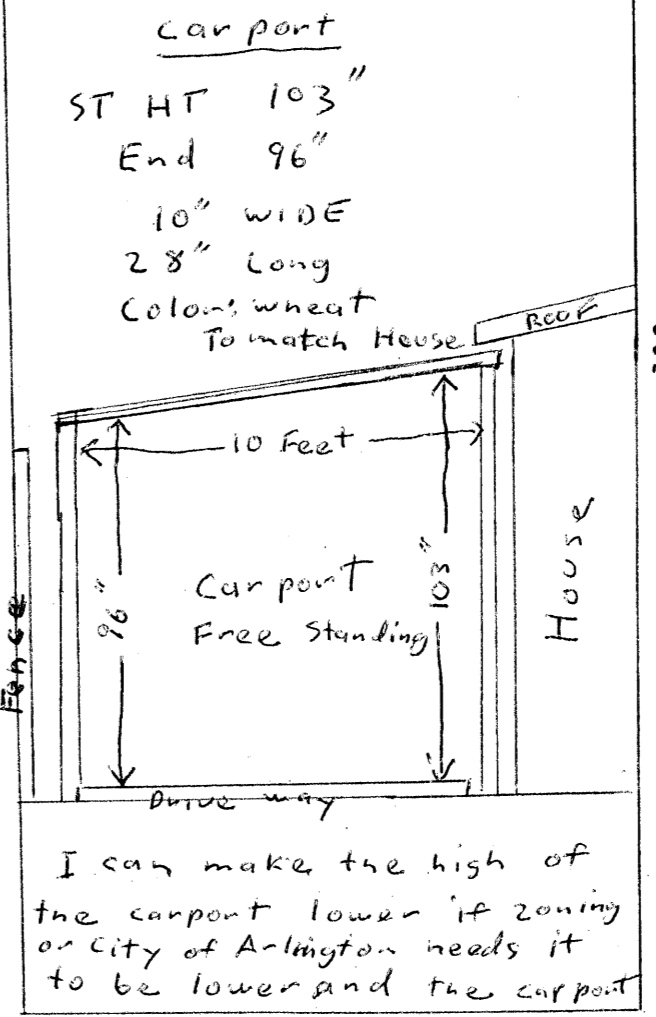
EXHIBIT "A"

BEING approximately 0.167 acres of land with frontage on Creekridge Drive, and is commonly known as Block 1, Lot 17 of the Hunt Club Addition, an addition to the City of Arlington, Texas;

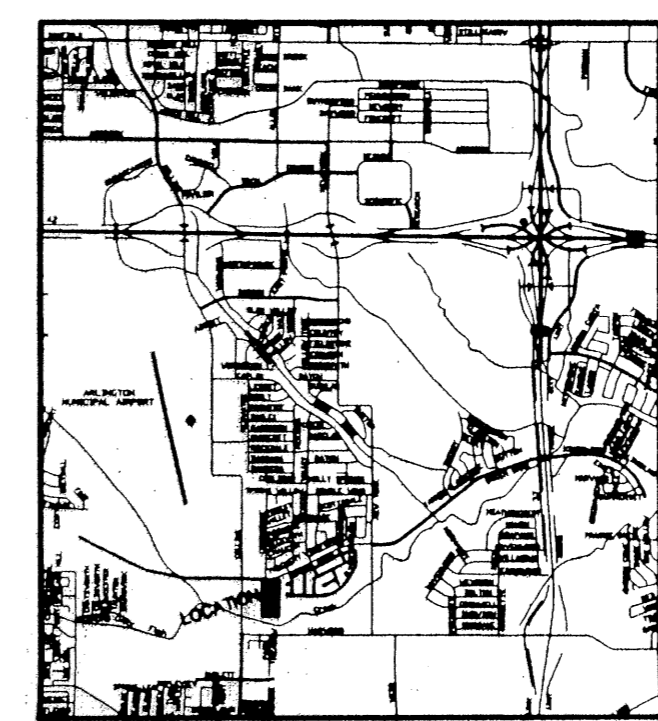
AND being generally south of Southeast Green Oaks Boulevard and east of South Collins Street with the approximate address being 5814 Creekridge Drive.



The carport will be built on the side of the house behind the fence on the side the Greenbelt is on. I have no houses or neighbors on that side which it would effect. The carport will be painted to match the house and look part of the house and it will be free standing, so if zoning and planning needs it to be lower it can be too.



GRAPHIC SCALE will be built to match the house and look part of the House.  
(IN FEET)  
1 inch = 100 ft



**Petro Engineers, Inc.**  
1101 W. Abram St.  
Arlington, Texas 76013-6928  
Phone 817/860-1000

Developer:  
David Skinner  
1115 W. Abram St. Suite "D"  
Arlington, Tx. 76016

Record Owner:  
Arlington Hunt Club Property, Inc.  
1615 W. Abram St.  
Arlington, Tx. 76013  
Vol. 10479 Pg. 408

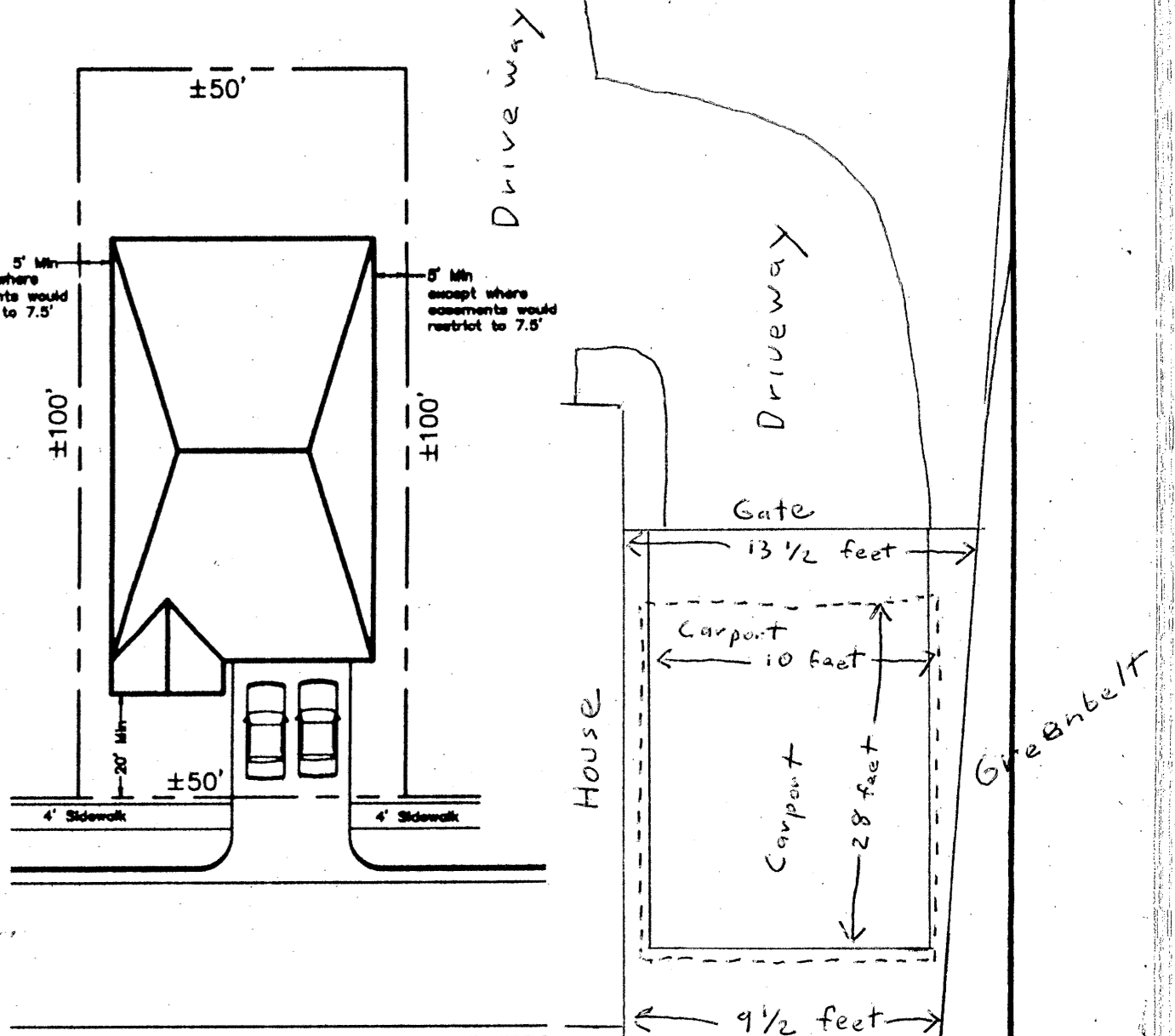
NOTE: The City reserves the right to require minimum finished floor elevations on any lot contained within this addition. The minimum elevations shown are based on the most current information available at the time the plat is filed and may be subject to change. Additional lots other than those shown may also be subject to minimum finished floor criteria.

There shall be provided at the intersections of all public or private streets, visibility triangles in accordance with current City Ordinance. All landscaping within visibility triangles shall comply with the Visibility Ordinance (Nothing over 2 feet in height as measured from the top of curb).

The property may be subject to changes related to impact fees and the applicant should contact the City of Arlington regarding any applicable fees due.

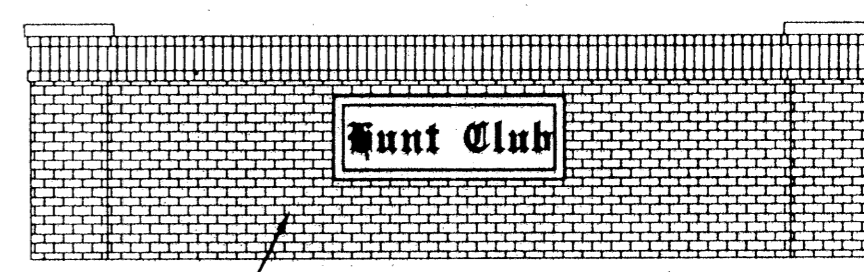
No driveway access shall be allowed to Green Oaks Blvd.

THIS DEVELOPMENT PLAN **P-201-R2**  
WAS APPROVED BY CITY COUNCIL  
ON **02-09-99**  
AND FILED WITH THE CITY SECRETARY, AND  
BUILDING INSPECTIONS ON **02-25-99**  
ORD. No. **99-24**



**TYPICAL LOT**  
The carport will be free standing built behind the fence on side of house by the Greenbelt, which has no houses or neighbors on that side. The carport will be free standing and painted to match the color of the house.

**Masonry Entry Wall & Sign**



Brick and/or Stone  
All signs to comply with ordinances in effect at the time of construction  
Fences and Walls to be a Minimum of 6'-0" except where would conflict with City Ordinance

**General Notes:**  
Maximum Height 35'  
Maximum site coverage 65%  
Density 5.53 Lots/Acre  
Total Area 12.124 Acres  
Proposed Use Single Family  
67 Residential Lots  
The first district to permit this use is R2

**NOTE:** The proposed development will comply with the provisions of the applicable plan approval District.

Note: Unless otherwise noted, all easements along rear lot lines are 7.5 feet wide, for a total of 15 feet. Easements along side lot lines are 5 feet wide, for a total of 10 feet.

**P-201-R3**  
Revised Development Plan  
**HUNT CLUB**  
Being 12.124 Acres in the John Balch Survey  
Abstract No. 83, City of Arlington, Tarrant County, Texas  
November, 1998

copy 11-1-99

#10-172850

# Case Information



**Applicant/Owner:** David M. Peterson

**Sector Plan:** Southwest

**Council District:** 3

**Allowable Uses:** All uses in "PD" (Planned Development) zoning as itemized in Attachment B.

**Development History:** Zoning Case Z85-653/P201 created a zero lot line subdivision. Zoning Case Z98-55/P201R1, requesting a zoning change to "R2" (Single family residential with a minimum lot size of 5,000 square feet), was denied. P201R2 revised the denied request to "single family detached dwellings at 5.7 dwelling units per acre with final development plan approval."

The subject site is currently platted as Lot 17, Block 1 of the Hunt Club Addition.

No zoning cases have been processed in the general vicinity in the past five years.

**Transportation:** The proposed development has one point of access from Creekridge Drive.

Thoroughfare	Existing	Proposed
Creekridge Drive	50-foot, 2-lane undivided local	50-foot, 2-lane undivided local

**Traffic Impact:** This revision to the "PD" (Planned Development) will not alter the existing traffic flow.

**Water & Sewer:** Water and sewer services are available to the subject site.

**Drainage:** The site is located within the South Fish Creek drainage basin and is not located within the FEMA floodplain. No significant drainage impacts are expected to result from development of this site as long as all relevant City Ordinances are complied with.

**Fire:** Fire Station Number 12, located at 5050 South Collins Street, provides protection to this site. The estimated fire response time is 2.27 minutes, which is in keeping with recommended standards.

**School District:** This property is located in the jurisdiction of the Arlington Independent School District (AISD). AISD has not indicated the proposal has any impact on the school district.

# Case Information

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## Notices Sent:

Neighborhood

Associations:

Arlington Chamber of Commerce Downtown Development

Arlington Neighborhood Council

East Arlington Review

Southeast Arlington Community Alliance

WeCan (West Citizen Action Network)

ACTION North

Central Arlington Property Owners, Inc.

Forest Hills HOA

Forest Hills HOA

Heart of Arlington Neighborhood Assn

Meadow Oaks HOA

Oak Hill Neighborhood

Old Town Neighborhood Assn

Stratford Court HOA

Town North Neighbors

Property Owners: 16

Letters of Support: 0

Letter of Opposition: 0

## Planning and Zoning Commission Summary:

### Public Hearing: June 16, 2010

Zoning Case P201R3 (Creekridge – 5814 Creekridge Drive)

Application for a revision to an approved development plan on approximately 0.167-acre tract of land zoned "PD (Planned Development) for single-family use at 5.7 units per acre" with final development plan approval; 5814 Creekridge Drive generally located south of Southeast Green Oaks Boulevard and east of South Collins Street

Kevin Charles, Landscape Administrator, presented this case.

Present to go on record in support of this case was David Peterson, 5814 Creekridge Drive.

There was no one present to speak in opposition to this case.

Edward Gutierrez made a motion to approve Zoning Case P201R3. Seconded by Brandon Hill, the motion carried with a vote of 8-0-0.

**APPROVED**